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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, SOUTHERN DIVISION

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KENT TERRY PRISBREY, an individual,  
  
Plaintiff,

v.

STATE AUTO INSURANCE COMPANIES,  
MILBANK INSURANCE COMPANY; and  
DOES A-Z,

Defendants.

MEMORANDUM DECISION AND  
ORDER REGARDING ATTORNEY FEES

Case No. 4:21-cv-124 DN DBP

District Judge David Nuffer

Chief Magistrate Judge Dustin B. Pead

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The court previously granted Defendants' request for attorney fees. (ECF No. 78.)

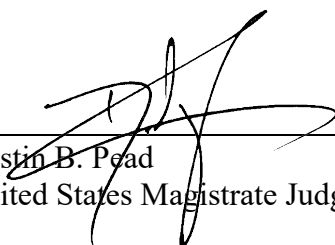
Pursuant to that order, Defendants submitted an Affidavit of Attorney's Fees and Costs seeking \$4,779.50 due to Plaintiff's noncompliance with the court order for an inspection of the alleged damaged property. (ECF No. 85.) The court has carefully reviewed the Affidavit and finds the fees sought are reasonable based on the record before the court.

Plaintiff is reminded that it was his choice to initiate this case and, as such, he has a duty to prosecute it. The obligation to prosecute a case encompasses the paramount responsibilities of reciprocal discovery and candor. *See* Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); *Zemaitiene v. Salt Lake Cty.*, No. 2:17-cv-00007-DAK-JCB, 2021 U.S. Dist. LEXIS 45883, at \*12 (D. Utah Mar. 10, 2021) (noting the plaintiff's duty to prosecute a case and meet certain obligations).

Defendants are awarded \$4,779.50 in Attorney's Fees and Costs.

IT IS SO ORDERED.

DATED this 6 June 2023.



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Dustin B. Pead  
United States Magistrate Judge